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LETTER DATED 26 FEBRUARY 1999 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 20 February 1999, which I have received from the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE). The enclosed report on the situation in Kosovo is submitted pursuant to requirements set by the Security Council in resolution 1160 (1998) of 31 March 1998 and resolution 1203 (1998) of 24 October 1998, and in compliance with the Council's wish to be kept informed on the situation in Kosovo.

As I indicated to the Council in my reports dated 12 November 1998 (S/1998/1068) and 24 December 1998 (S/1998/1221), it was my intention, as soon as OSCE was in a position to provide the Security Council with information on the compliance by the parties, to discontinue reporting on the situation in Kosovo accordingly, except as concerned the humanitarian and human rights situation. I therefore intend to complement the OSCE communication with a report on the humanitarian and human rights aspects of the situation in Kosovo, which will be submitted to the Council separately.

I should appreciate your bringing this communication from the Chairman-in-Office of OSCE to the attention of the members of the Security Council. It bears noting that the report predates the conclusion of the Rambouillet talks, on which the Council has been informed and has issued a statement.

(Signed) Kofi A. ANNAN

Annex

Letter dated 20 February 1999 from the Chairman-in-Office of the Organization for Security and Cooperation in Europe addressed to the Secretary-General

Reference is made to my letter of 16 February 1999 concerning the contributions of the Organization for Security and Cooperation in Europe (OSCE) to the reports on the situation in Kosovo pursuant to the requirements set out in Security Council resolutions 1160 (1998) and 1203 (1998).

I hereby enclose the report covering the period mid-January to mid-February 1999 on the situation in Kosovo, the measures taken by OSCE and cooperation and compliance by the parties.

Warm regards.

(Signed) Knut VOLLEBAEK

Enclosure

Monthly report on the situation in Kosovo pursuant to the requirements set out in United Nations Security Council resolutions 1160 and 1203

Mid-January 1999 - Mid-February 1999

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I. General situation

Security situation

During most of the reporting period the situation in Kosovo remained tense and volatile. In February however, the level of direct military engagement between the security forces of the Federal Republic of Yugoslavia (FRY) and the Kosovo Liberation Army (KLA) dropped significantly compared with late December and the month of January. The main areas of military tension remained the same as during the previous period - the Podujevo region in the northern Kosovo, the Decani region in the west of the Province and the area around Stimlje, south of Pristina.

While the level of military conflict was reduced in February, KLA attacks on the Serb police, isolated clashes and sporadic exchange of gunfire, including at times the use of heavy weapons by the VJ, continued to take place. The main feature of the last part of the reporting period has been an alarming increase in urban terrorism with a series of indiscriminate bombing or raking gunfire attacks against civilians in public places in towns throughout Kosovo. Although all of these attacks remained non-attributable, and it was not clear whether they were criminally or politically motivated, these incidents led to disruption and the spread of an atmosphere of fear.

The reporting period started with FRY security forces operations in the Stimlje and Mitrovica areas. The Urosevac Deputy Head of Police was killed in the Racak area on 19 January. KVM HQ was informed that he had been escorting an investigation team to Racak. Two other policemen were injured and evacuated by helicopter to Pristina.

On the 20 January police search operations in the Mitrovica area ended in exchanges of fire and the deaths of two KLA members. The incident was observed by the KVM throughout its development. The police surrounded two houses and called for the occupants to surrender. The residents replied with small arms fire. Further negotiations brokered by the KVM failed when the occupants of the house opened fire with an anti-tank rocket launcher. The police responded with anti-aircraft artillery fire. The bodies of two armed KLA members were found. It was estimated that 10 other occupants had escaped.

The KLA abducted five elderly Serb civilians from Nevoljane (West of Vucitrn) on 22 January. The KVM was told by the KLA that the hostages would be released to the OSCE as long as the police did not carry out operations in the Vucitrn area. KVM liaison officers carried out the negotiations and facilitated the releases of the hostages on 24 January. The KVM strongly condemned the abduction of these civilians by the KLA as an act of terrorism.

Five Kosovo Albanians (two adult males, one adult female and two children aged approximately 10 and 12 years old) were killed on the evening of 25 January in Rakovina (northeast of Djakovica). They were travelling along the road on a tractor and trailer when they were killed by small arms fire. Verifiers assess approximately 300 rounds were fired from a prepared position. The day after the

killings the FRY Health Minister, Miodrug Kovac, stated that the five died in a traffic accident. KVM's inquiry into the Rakovina incident continues.

Towards the end of January serious breaches of the ceasefire were reported in the Podujevo area. On 28 and 29 January mortar, tank and machine-gun fire was reported south of Podujevo in the direction of the village of Kisela Banja. No casualties were reported, but a large number of displaced persons were observed in that area. The continued KLA and security force stand-off in this area with both sides digging trenches and preparing positions has been a particular concern throughout the period. Though the fighting has since subsided, neither the KLA nor the VJ has withdrawn as required under United Nations Security Council resolutions. VJ forces in the field exceed the limits set by the NATO-FRY Agreement signed on 25 October 1998. The KVM has been protesting this non-compliance by both parties.

A number of incidents occurred in the border region between Djakovica and Prizren. On 27 January a six-man patrol vehicle encountered and exchanged fire with an armed group of men in the Djakovica area. Two policemen were injured and two members of the other group, allegedly KLA, were killed. A VJ liaison officer informed the KVM that on the same day the KLA also attempted to infiltrate into Kosovo from Albania near the village of Damnjane south of Djakovica. There were reports of fighting in that area and a large number of IDPs were seen leaving the nearby village of Romaja.

On 29 January, 25 Kosovo Albanians and one Serb policeman were killed in the village of Rogovo, midway between Djakovica and Prizren. The Yugoslav authorities informed the KVM that the incident at Rogovo began when shots were fired at a police patrol and a policeman was killed. KVM verifiers confirmed that four of the Albanians were in KLA uniform. A local KLA commander later acknowledged that 18 of 25 Albanians killed in Rogovo were KLA members. The FRY authorities agreed to a joint investigation of the incident by their specialists and by a Finnish forensic team.

Urban violence increased significantly in February. Pristina, Mitrovica, Pec, Urosevac have all been subjected to such incidents in which five people have been killed and more than a dozen injured. In the most serious of these an explosive device detonated outside a small Albanian grocery store in Pristina on 6 February, killing the owner and two passers-by, including a teenage girl.

More reports were received of the KLA "policing" the Albanian community and administering punishments to those charged as collaborators with the Serbs. In the area of Pec several Albanians said to be loyal to the Serbs were murdered in separate incidents. Most of the victims were highly educated males, described by Serbs as "loyal citizens of Serbia" and killed by shots to the head. Incidents of abduction of Albanians were also reported. During the funeral in Racak on 11 February eight Kosovo Albanians were abducted (the KLA term was "arrested") by KLA members. Only after KVM's intervention were they released.

Two Serb policemen were allegedly abducted on 10 February in Kosovo Poljc. A third was abducted in Novo Selo (south of Vucitrn) but later escaped. The KLA at first denied the abduction and detention of police officers, but later engaged in contacts with KVM on the matter. This issue has yet to be resolved.

Political situation

The main political development has been the shift in the focus of attention from the battlefield to the negotiating table in Rambouillet. None of the parties seems content with the offer from the Contact Group. It is therefore likely that any agreement will come as a result of pressure from the international community. The FRY authorities' decision to declare the Head of Mission, Ambassador William Walker, persona non grata was unconditionally frozen after intervention by the OSCE Chairman-in-Office, Knut Vollebaek, Foreign Minister of Norway. This was the most serious crisis to date in the relationship between the FRY authorities and the KVM.

The Chairman-in-Office, Knut Vollebaek, Foreign Minister of Norway on 21 January received a letter from the FRY Foreign Minister Zivadin Jovanović informing him that the expulsion of Ambassador William Walker was unconditionally frozen. The letter was the result of long and difficult negotiations between Foreign Minister Vollebaek and President Slobodan Milosević in Belgrade. The Chairman-in-Office was in close consultation with the foreign ministers of the Contact Group and the OSCE Troika countries. At a press conference in Pristina, Foreign Minister Vollebaek stressed that Ambassador Walker had his full support and that, if the Head of Mission had been forced to leave Kosovo, this would create a serious situation for the future of the Mission. The suspension of the persona non grata status was welcomed by the leader of the Democratic League of Kosova (LDK), Ibrahim Rugova, as well as by representatives of Serbian opposition parties. However, the Serbian Radical Party, led by Serbian Deputy Prime Minister Vojislav Šeselj, has publicly criticized the decision not to expel the Head of Mission.

The Federal Government's initial resolution to declare Ambassador Walker persona non grata resulted in the most serious crisis to date in the relationship between the FRY and the KVM. The main reason given by the FRY authorities was that Ambassador Walker had made unfair judgements when he declared that the FRY security forces were responsible for the Racak killings. The "Walker-issue" initially distracted attention from the Racak outrage itself, at least domestically, but also insured that the international media focused enormous attention on the events and the Government's response.

With the exception of the leader of the Democratic League of Kosovo, Ibrahim Rugova, the parties seemed to hesitate when invited to the peace talks in Paris. This attitude should not come as a surprise given the intransigence that the parties have displayed so far. In April 1998 President Slobodan Milosević initiated a referendum in which the great majority of Serbs said no to foreign intervention in Kosovo. Less than a year later more than 1,300 international verifiers are on the ground in the Province. Now the international community is defining the parameters of an agreement for the parties. On the other hand the activities and rhetoric of the KLA have created great expectations amongst large sections of the Kosovo Albanian society for an independent state. What is now on offer is less. For may Kosovo Albanians it will be painful to alter their expectations and revert back to a main goal of "substantial autonomy".

After having accepted the invitations to the talks representatives from both sides issued statements declaring that they would not abandon their stands or submit to dictates from the international community. They also announced that they will put forward their own plans and proposals.

Humanitarian situation

UNHCR estimates that the overall level of displacement within Kosovo is still at 210,000 people as renewed displacement in some areas has been offset by an increased rate of return in others. However, very few do not have shelter.

Two shelter surveys were published during January 1999. The UNHCR IDP/Shelter Survey was a joint effort by International Humanitarian Organizations and covered 654 villages in 19 municipalities. 440 of these villages, a total of 66,686 family houses, were damaged and this damage constituted 22,239 houses requiring major reconstruction and 10,480 houses minor to major repair. The European Commission's Kosovo-Assessment of Damaged Buildings and Local Infrastructure 1998-99, conducted by the International Management Group, assessed 49,965 houses of which 23,708 were damaged. When the estimated figures provided by local representatives and other agencies have been added, the number of damaged houses in this survey reach approximately 28,607. The final figures for both surveys will be higher than those published owing to the fighting in the latter half of January.

Human rights issues

During the reporting period KVM has concluded its inquiry into the killing of 45 Albanians in the village of Racak and has forwarded such information to the International Tribunal for the Former Yugoslavia. After the conclusion of 40 autopsies by the Finnish Forensic Team, it took the authorities ten days to release the bodies to the families for burial. Discussions between the Serb authorities and representatives of the families were facilitated by KVM. Mission personnel encountered numerous instances of broken promises, changing demands and additional conditions by both sides related to the release and burial of the Racak victims. KVM provided additional patrols and verifiers at the funeral on 11 February, which was attended by the Head of Mission. At the funeral, the KLA detained between 40-60 Albanians because they were "known troublemakers for collaboration". Most of those detained were released after KVM intervention. An inquiry into the detentions and verification that all were released is continuing.

KVM has begun monitoring the trials of Albanians charged with terrorism and related charges in Pec, Pristina, Prizren, Mitrovica and Gnjilane. Preliminary observations raise concerns that the primary evidence submitted by the prosecutor is a confession of the defendant who often retracts the confession at trial on the basis that it was obtained by duress, mistreatment or torture. The KVM human rights verifiers noted that recent trials in the Pristina and Pec District Courts were being conducted according to international judicial standards and no major human rights violations were observed.

KVM continues to work with families of the missing persons, mostly Serbs, to collect information and assist the families in obtaining information about

the fate of their relatives. In continuing effort to verify this human rights issue, Regional Centre Prizren has formed a Missing Persons Team. Issues related to the missing are coordinated with ICRC.

Kosovo conflict spillover potential

The OSCE Presence in Albania, the OSCE Spillover Mission to Skopje and the OSCE Missions to Bosnia and Herzegovina and to Croatia continued to follow closely the Kosovo conflict spillover potential.

By mid-January, as the situation deteriorated in Kosovo, the activity of Yugoslav forces along the borderline increased. Yugoslav military aeroplanes and helicopters continuously patrolled the area, border posts and military installations were reinforced and mines continued to be laid. No serious border incidents involving Yugoslav forces and Albanian border police took place during the reporting period, although the situation remained tense.

Low activity by the Kosovo Liberation Army (KLA) continued to take place in Albanian territory. Reports indicated that Albanian youths were used to carry supplies into the FRY in return for cash payments. A number of major crossing attempts by KLA units were reported, in particular on 28 January and on 14 February, some of them resulting in deaths.

There has been little refugee movement across the border between Albania and the Federal Republic of Yugoslavia during the reporting period although some cases of internal resettlement still occur. A small but constant number of refugees from Kosovo continued to enter Albania from Montenegro, via Lake Shkodra on a tentative route to Italy (on 20 January a group of 50 refugees crossed into Albania followed by some smaller parties totalling 60 persons).

During the reporting period, several Kosovo Albanian personalities were received by Government Officials in Tirana, as part of an Albanian initiative to unify the Albanian stand on the status of Kosovo prior to the talks in Rambouillet. The self-styled "Kosovo Prime Minister", Bujar Bukoshi, speaking in Tirana on 12 January, favoured an incorporation of the KLA into a future "Government of Kosovo" to provide the "army" with a "military command". The Albanian Prime Minister, Majko, stressed that the Albanian Government would respect any agreement which would take the will of the Albanians in Kosovo into consideration and, more explicitly than his predecessor, backed the idea of converting Kosovo into an Autonomous Republic within the Federal Republic of Yugoslavia.

In response to allegations made by the Yugoslav Foreign Minister, Jovanovic, in a press conference in Madrid on 14 January, the Albanian Foreign Minister issued a statement on 15 January denying that Albanian houses bases of the Kosovo Liberation Army (KLA). Border Monitoring Reports from the OSCE Presence in Albania confirm that the KLA presence is at low levels, specially in comparison with the summer period, due to a combination of factors, including winter conditions, the presence of minefields and intensive patrolling along the border.

As regards security in northern Albania, smuggling continued to take place on a regular basis at a number of locations near the Border with Montenegro (FRY), specially through the Hani i Hotit border crossing point, and, in most cases, across Lake Shkodra.

In the former Yugoslav Republic of Macedonia, the northern border with Yugoslavia remained stable and calm during the reporting period, with neither significant incidents nor discernible changes in the pattern of movement or military deployment.

Little visible reaction was observed to the deteriorating situation in Kosovo following the killings at Racak apart from that of the leadership of the two principal Albanian parties. The significantly improved political atmosphere within the government, following the creation of the new governing coalition and the inclusion of the ethnic Albanian DPA (Democratic Party of Albanians), along with the approval by Parliament of the Amnesty Law which led to the release from prison of the Mayors of Tetovo and Gostivar, has helped to improve public morale, especially in ethnic Albanian areas. This has helped to ease some of the concern of the majority of the population about the inherently adverse consequences of any deterioration in the situation in Kosovo, bringing a greater sense of resilience in relation to events in Kosovo.

II. OSCE activities

Activities of the Chairman-in-Office and the Permanent Council

On 20 January the OSCE Troika, the foreign ministers of Norway, Austria and Poland, discussed the situation caused by the FRY decision to declare Ambassador Walker persona non grata. They demanded that the decision be rescinded.

On 21 January 1999 OSCE Chairman in Office (CiO) Knut Vollebaek had meetings in Belgrade with President Milosevic of the FRY and Foreign Minister Jovanovic to insist that the FRY Government rescinded its decision to declare the Head of Mission (HOM) of KVM, Ambassador William Walker, persona non grata. As a result of these meetings, and the unanimous support given by the international community, this decision was frozen. The CiO then visited the KVM Headquarters in Pristina, where he briefed the KVM staff on these developments.

The OSCE Chairmanship convened themed Kosovo meetings in Vienna during the reporting period, dealing with, among other issues, the humanitarian situation and reconstruction in Kosovo, UNHCR's Special Envoy to the former Yugoslavia, Mr. Nick Morris and Mr. Fabrizio Barbaso from the European Commission addressed meetings of the Informal Watch Group.

The CiO participated at the 29 January meeting of the Contact Group initiating the Rambouillet negotiations.

On 1 February the OSCE Permanent Council expressed full support for the efforts of the international community to achieve a political settlement to the conflict in Kosovo.

The CiO attended the opening of the Kosovo peace talks at Rambouillet in France, which began on February 6. He was accompanied by Ambassador Walker. The CiO, his team and representatives from the KVM are closely following the progress of the talks. The CiO also participated at the Contact Group meetings on 14 and 20 February.

KVM operations

The build up of the Kosovo Verification Mission continued during the period covered by the report. The Regional Centres (Prizren, Pec, Mitrovica, Gnjilane and Pristina) opened new municipality-based Coordination Centres (CCs) and village-based Field Offices (FOs). Prizren Regional Centre has CCs in Suva Reka, Orahovac and Prizren, with FOs in Rastane, Velika Krusa, Malisevo, Zur and Slapuzane, Mitrovica Regional Centre has CCs in Vucitrn, Srbica and Sipolje with FOs in Trepca, Vaganica, Donje Stanovce, Leposovic, Svecan, Zubin Potok and Rudnik. Pec Regional Centre has CCs in Klina, Istok, Decani and Djakovica with FOs in Junik and Rogovo. Gnjilane Regional Centre has CCs in Vitina and Kamenica with FOs in Ogoste, Ranilug, Ugljare, Zitinje, Prozaranje and Smira. Pristina Regional Centre has CCs in Urosevac, Pristina and Glogovac with FOs in Lipljan, Kacanik, Strpce and Stimlje. The total number of CCs is 16 and the FOs is 24. The strength of the Mission at 20 February was 1,306 international staff and 1,263 local staff (total 2,569).

The KVM continued to monitor the situation throughout Kosovo, verifying the maintenance of the ceasefire regime and investigating reports of ceasefire violations, emplacements of roadblocks and checkpoints for purposes other than traffic and crime control. Besides mandated verification tasks the KVM, as during the previous reporting period, was involved in overall activity to reduce tension, negotiating the release of hostages and engaging in confidence building measures such as the establishment of Field Offices. KVM police verifiers began monitoring the conduct of the local police in the course of their investigative duties. The KVM Headquarters Reconstruction Unit, in cooperation with the KVM Coordination Centre in Orahovac (Prizren Regional Centre), initiated a series of contacts between the Serb and Albanian local representatives in order to assist in restoration of vital communal services in villages in the area of Malisevo. Regional Centre Pec organized a series of local initiatives to reconnect the electricity supplies to local villages. By accompanying Serb technicians to Albanian villages enough confidence was achieved to enable vital repairs to be carried out.

KVM operational status

Personnel

KVM HQ:	250
KVM Induction Centre instructors:	39
KVM Induction Centre under training:	55
KVM Prizren:	204
KVM Mitrovica:	177

KVM Pec:	186
KVM Gnjilane:	144
KVM Pristina:	217
KVM Belgrade:	7
KVM Skopje:	6
KVM Tirana:	3
KVM Associated (temporary) members:	18
KVM International staff (all locations):	**1 306**
KVM Local staff (all locations):	**1 263**
Total:	**2 569**
US KDOM:	7
EUAG:	21

Vehicles

Armoured: **124** Soft skin: **247**

III. Cooperation and compliance by the parties

This Section is designed to focus solely on the requirements set down by UNSCR 1199 and to assess, on the basis of information available to the KVM, whether the FRY authorities and the Kosovo Albanian leadership, including the KLA, have complied with its tenets during the reporting period.

Both the present and previous reports from the OSCE CiO indicate that neither the FRY authorities nor the KLA have complied fully with the provisions of UNSCRs 1160 (adopted 31 March 1998) and 1199 (adopted 23 September 1998); nor have these parties fully complied with the additional tasks outlined in the OSCE/FRY (16 October 1998) and NATO/FRY (25 October 1998) Agreements.

Hostilities. UNSCR 1199 makes several demands (para. 1, 4 a and 6) with reference to cessation of military and security force activity:

"... demands that all parties, groups and individuals immediately cease hostilities and maintain a cease-fire in Kosovo ...;"

"... demands further that the FRY ... cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression ...;"

"... insists that the Kosovo Albanian leadership condemn all terrorist action, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only."

There has been a general failure by both the FRY authorities and the Kosovo Liberation Army (KLA) to abide by these strictures. The cycle of confrontation can be generally described, in no set order, as relatively small-scale KLA attacks on the MUP (Serbian police), generally on police vehicles, buildings and individuals; a disproportionate response by the FRY authorities, often in the form of large cordon and search operations by the MUP, supported by the VJ (Yugoslav Army) and occasionally including the use of heavy weapons including mortars, anti-aircraft cannon and tanks; resultant population movement; and renewed KLA activity elsewhere. The battle to dominate roads of strategic importance often provided the catalyst for conflict. It should be noted that during the period under review it is likely that a number of breaches in the ceasefire were the result of attacks by the KLA against Serb police vehicles and patrols.

Main incidents are as follows:

(a) Stimlje. 20-21 January. A major cordon and search operation by the MUP in Stimlje, following KLA ambushes that killed 4 policemen, declined in intensity January 20-21. KVM staff reported hearing "heavy mortars" firing. (On the 18th January, contrary to arrangements agreed between the OSCE Chairman-in-Office and the FRY Foreign Minister Jovanovic, armed police had again entered the village and fighting with the KLA resumed.)

(b) Mitrovica. 20 January. MUP opened fire on a house in which suspected KLA personnel were harboured. Despite KVM attempts to arrange a ceasefire the KLA opened fire with small arms, Rocket Propelled Grenades (RPG) and anti-aircraft cannon killing two men inside. Military uniform and KLA insignia were found on the bodies.

(c) Sipolje. MUP conducted a cordon and search operation on 20 January which resulted in the temporary displacement of some 5,000 residents (UNHCR estimate).

(d) Rakovina. 25 January. KVM attended the scene of a shooting incident in which 5 Albanian civilians were killed by gunfire, including a woman and 2 children whilst travelling on a tractor and trailer. KVM assessed that 300 rounds were fired at them from a prepared position.

(e) Luzane. 27 January. Tanks were observed firing in the area. A MUP liaison officer alleged that Luzane police station had been attacked by the KLA during the night of 26 January. No return fire was observed from KLA positions. Neither side attempted to withdraw.

(f) Rogovo. 29 January. Twenty-five Kosovo Albanians killed and 1 Serb policeman. A KLA sector commander in Pec later said that 18 of the 25 were members of the KLA.

(g) Djakovica. On 4 February the KLA ambushed 4 MUP personnel in their vehicle on the northern outskirts of the town.

The Kosovo Albanian leadership has failed to "condemn all terrorist action" and to provide that all elements in the Kosovo Albanian community "pursue their

goals by peaceful means only" as required in the UNSCR 1199. The KLA has continued its attempts to consolidate its military strength in areas left by the FRY army and the Serb police forces. A number of reports of border incidents indicate that the infiltration of personnel and weapons across the Albanian border has continued. Urban violence has increased, characterized by grenade and bomb attacks on both Serb and Albanian property; some of these attacks may be ascribed to organized crime.

Incidents of kidnap and abduction continue to increase tension in Kosovo and are a potent source of destabilization amongst the civil community; public protests about this issue have become increasingly common. The Pec District, where the number of recorded incidents of kidnap is high, is particularly affected. Adem Demaci, a political representative of the KLA, claimed on 25 January that the KLA held no Serbs, only Albanians who had been tried and convicted of misdemeanours.

(a) The KLA kidnapped 5 civilians at Nevoljane on 22 January and refused to release them until the FRY authorities released the prisoners taken in the border ambush incident on 14 December 1998.

(b) Racak. 11 February. During the Racak funeral 8 Kosovo Albanians were abducted by the KLA.

Humanitarian issues. UNSCR 1199 makes two demands (para. 2 and 4 (c)) with reference to humanitarian assistance:

> **"... demands that the authorities of the FRY and the Kosovo Albanian leadership take immediate steps to improve the humanitarian situation ..."**
>
> **"... demands further ... that the FRY ... facilitate, in agreement with the UNHCR and the ICRC, the safe return of refugees and displaced persons to their homes and allow free and unimpeded access for humanitarian organisations and supplies ..."**

Military operations cannot easily be separated from their humanitarian effect: wherever there is fighting in inhabited areas groups of IDPs tend to be created. The kind of cordon and search operations carried out by the MUP (paras. 5.a and 5.c above are examples of this) inevitably cause suffering amongst the target populations as a secondary effect.

Nevertheless, the overall level of cooperation by the parties with humanitarian organizations and NGOs has been generally good. Improvements have been noted by the ICRC on the part of the FRY authorities in providing information on detainees and access to them. KVM human rights verifiers have also noted improvements in some District Court procedures, notably in the towns of Prizren, Pec and Pristina. Prevention of humanitarian access has not been a significant problem but has occurred.

(a) On 4 February Serb civilians from Nevodimlje denied access to UNHCR aid vehicles taking aid to Jezerce, an Albanian village in the Urosevac area; the Serbs said that Albanian villagers had abducted two Serbs during the summer

conflict and insisted on inspecting the contents of the vehicle before refusing access.

Access and freedom of movement. UNSCR 1199 makes one demand (para. 4 b) with reference to access and freedom of movement for those engaged in international monitoring:

> **"... demands further that the FRY ... enable effective and continuous international monitoring in Kosovo by the European Community Monitor Mission and diplomatic missions accredited to the FRY, including access and complete freedom of movement of such monitors to, from and within Kosovo unimpeded by government authorities, and expeditious issuance of appropriate travel documents to international personnel contributing to the monitoring ..."**

There have been several occasions on which KVM verifiers have been denied access to areas; others in which threats have been used; and others where weapons were used in a threatening manner. Examples are:

(a) KVM were denied access to the village of Tanes Do on 25 January 1999 by the VJ.

(b) MUP officers threatened a KVM patrol in Nevoljane with sniper rifles and an anti-tank weapon on 27 January. The patrol had escorted Albanians to their homes to remove personal effects.

(c) A KVM patrol was denied access to 5 km border zone by VJ near Planeja. A number of incidents of this type have now occurred since the VJ's attempt to introduce a restricted border zone.

(d) The KLA denied a KVM patrol access to Ziljivoda on 2 February, asking for prior notice.

(e) Pristina airfield. 10 February. A KVM patrol was denied passage and then blocked by a VJ check-point. The VJ demanded that the interpreter leave the vehicle, then attempted to physically remove him.

Political solution. UNSCR 1199 makes two demands (para. 3 and 4 d) with reference to the imperative to search for a political solution to the conflict:

> **"... calls upon the authorities in the FRY and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and to a clear timetable, leading to ... a negotiated political solution to the issue of Kosovo ..."**

> **"... demands further that the FRY ... make rapid progress to a clear timetable, in the dialogue referred to in paragraph 3 with the Kosovo Albanian community called for in UNSCR 1160, with the aim of agreeing confidence-building measures and finding a political solution to the problems of Kosovo ..."**

The FRY authorities have repeatedly refused to negotiate with what they described as "terrorists"; the Albanian side has remained divided and adamant that the FRY authorities could not be trusted. There was no effort by either party to negotiate and this remained true until the parties accepted the summon of the Contact Group to assemble for negotiations at Rambouillet.

Cooperation with ICTY. UNSCR 1199 refers to the need for cooperation with ICTY (para. 13):

> **"... Calls upon the authorities of the FRY, the leaders of the Kosovo Albanian community and all others concerned to cooperate fully with the Prosecutor of The International Tribunal for the Former Yugoslavia in the investigation of possible violations within the jurisdiction of the Tribunal ...;"**

There was no progress on the part of the FRY authorities in compliance with the requirements to cooperate fully with the Prosecutor of the International Tribunal for Former Yugoslavia. Despite repeated calls by the international community, the CiO and the head of the KVM, Ambassador Walker, the FRY authorities have refused to cooperate with ICTY and refused Prosecutor Louise Arbour permission to enter Kosovo to conduct investigations. There is no evidence that the authorities of the FRY have brought to justice those members of the security forces who have been involved in the mistreatment of civilians and the deliberate destruction of property.